

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>Estate of Abdelrazig Khalil by Kamal Mohamedali Administrator</b>	:	<b>NOTICE OF REMOVAL</b>
	:	<b>OF CIVIL ACTION</b>
	:	<b>UNDER 28 U.S.C. §§ 1441 AND 1446</b>
<b>v.</b>	:	<b>(Diversity Jurisdiction)</b>
	:	
<b>Rustam Mursalov, and</b>	:	
<b>Eastern Express, Inc.</b>	:	

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**NOTICE OF REMOVAL OF CIVIL ACTION  
UNDER 28 U.S.C. §§ 1441 AND 1446**

Defendants, Rustam Mursalov and Eastern Express, Inc (“Moving Defendants”) by and through their undersigned counsel, hereby submit this Notice of Removal of this action to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1441. In support of this removal, Moving Defendants state as follows:

1. On April 16, 2021, Plaintiff Estate of Abdelrazig Khalil by Kamal Mohamedali (“Plaintiff”), commenced a civil action in the Philadelphia County Court of Common Pleas by way of Writ of Summons against Moving Defendants, which was docketed at No. 210401308.<sup>1</sup>
2. The state court action was instituted by way of Writ of Summons.
3. While no Complaint has been filed, Plaintiff is believed to seek damages as a result of an accident that occurred on April 19, 2019 in Skokie, Illinois, Cook County (the “Accident”).
4. A district court has jurisdiction over cases wherein the plaintiff and defendant are “citizens of different states” and the amount in controversy as alleged by the plaintiff “exceeds the sum or value of \$75,000.” *See* 28 U.S.C. § 1332(1).

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<sup>1</sup> In accordance with 28 U.S.C. § 1446(a), copies of all pleadings in this case filed in the Philadelphia Court of Common Pleas are collectively attached hereto as Exhibit “A”.

5. 28 U.S.C. §1446(c)(2)(A)(ii) allows for the notice of removal to assert the amount in controversy “if the initial pleading seeks a money judgment but the State practice . . . permits recovery of damages in excess of the amount demanded.” Pennsylvania simply requires the amount in controversy be stated within or above compulsory arbitration limits of \$50,000.00.

6. Additionally, 28 U.S.C. §1446(c)(2)(B) allows this Court to find, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

7. The incident in question resulted in a fatality, which Moving Defendants believe the amount in controversy to be well over the \$75,000.00 threshold.

8. This Court has diversity jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 in that Plaintiffs and all defendants are residents and citizens of different states and the amount in controversy exceeds \$75,000.

9. Plaintiffs, as alleged in the state court action, are citizens of North Carolina. Kamal Mohamedali, Administrator of the Estate of Abdelrazig Khalil, resides at 5720 Hidden Lake Drive, Brown Summit, NC 27214.

10. Moving Defendant Eastern Express, Inc, is a corporation with its principal place of business in Pennsylvania at 11945 Dumont Rd, Philadelphia, PA 19116.

11. Moving Defendant Rustam Mursalov is a citizen of Philadelphia and resides at 11945 Dumont Rd, Philadelphia, PA 19116.

12. Plaintiffs thus are residents and citizens of a different state than Moving Defendants.

13. Pursuant to 28 U.S.C. § 1446(b)(1), the notice of removal of a civil action “shall be filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of

the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

14. While Moving Defendants have not been served, undersigned counsel has entered an appearance on behalf of Moving Defendants on April 23, 2021, and otherwise found the Writ of Summons in accordance with 28 U.S.C. § 1446(b)(1).

15. Moving Defendants file this Notice of Removal within thirty (30) days of undersigned counsel’s receipt of Plaintiff’s Writ of Summons, and, accordingly, removal is timely.

16. Based upon the foregoing, this action is removable to this Court pursuant to 28 U.S.C. §§ 1332 and 1441, based upon diversity of citizenship jurisdiction.

17. Venue for this removal lies in the United States District Court for the Eastern District of Pennsylvania because Plaintiff commenced his action in Philadelphia County, PA against residents of the City of Philadelphia. *See* 28 U.S.C. § 1441(a).

18. Promptly after filing this Notice of Removal, Moving Defendants will give written notice of the removal to Plaintiffs through their designated counsel and to the Philadelphia County Court of Common Pleas, in accordance with 28 U.S.C. § 1446(d).

**WHEREFORE**, Moving Defendants give notice that the above-described action pending against them in the Philadelphia County Court of Common Pleas is removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**MOORE PACARO & BROOKS, LLC**



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Dated: 4/23/21